

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRICKCO INCORPORATED,  
a Michigan corporation, individually  
and as the representative of a class  
of similarly situated persons,

Plaintiff,

v.

Case No. 11-CV-11168  
HON. GEORGE CARAM STEEH

NEHMEH ENTERPRISES, INC.  
d/b/a LITTLE CAESAR'S,  
ALI NEHMEH, CAPITAL  
COMMUNICATIONS, INC.,  
and LESTER MORALES,

Defendants.

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ORDER STAYING PROCEEDINGS

On March 22, 2011, plaintiff filed a class action complaint alleging defendants violated the Telephone Consumer Protection Act, 47 U.S.C. §227, by sending unsolicited advertising faxes to plaintiff and others, and alleging conversion on the same basis. Defendants filed motions to dismiss arguing, in part, that the court lacks federal question jurisdiction over the TCPA claims and therefore lacks jurisdiction over the case. On June 27, 2011, the Supreme Court granted certiorari in Mims v. Arrow Fin. Services LLC, 2011 WL 1212225, a case involving the issue of whether a federal court has federal question subject matter jurisdiction over a private cause of action under the TCPA. On August 28, 2011, this court issued an order to show cause in writing as to why this case should not be stayed pending the Supreme Court's decision in Mims. The parties submitted responses

to the order to show cause. For the reasons set forth in defendants' responses to the order to show cause, and in the interest of judicial economy, the case is STAYED pending the Supreme Court's decision in Mims.

SO ORDERED.

Dated: August 15, 2011

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 15, 2011, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk